



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,451	07/09/2001	Yasuyuki Mochizuki	Q63862	4234

7590 03/15/2005
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3213

EXAMINER

GRANT II, JEROME

ART UNIT PAPER NUMBER

2626

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,451

Applicant(s)

MOCHIZUKI, YASUYUKI

Examiner

Jerome Grant II

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JEROME GRANT II
PRIMARY EXAMINED

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3-7-2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Detailed Action

1.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 4, 6, 7, 9, 10 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Kimbell.

With respect to claim 1, Kimbell teaches an image processing apparatus (such as computer connected to a printer, according to col. 1, lines 33-34; col. 2, line 48 and col. 4, lines 17-19) for executing a predetermined image processing operation with respect to digital image data so as to output both of the first image data used to produce a photo print and a second image to produce an Image film accordance with the digital image data. Kimbell teaches a printing magnification determining means (inherent according to col. 2, lines 49-52) for determining printing magnification used when said photo print

Art Unit: 2626

is outputted in such a manner that a printing size is inscribed in a standard scanning area 100 or printing area of the page (col. 2, line 40, said printing size being selected from a plurality of printing sizes (in that the image can be cropped, according to col. 2, lines 47-49 or scaled, according to col. 2, lines 39-40) ; and a digitizing magnification determining device (computer software according to col. 2, lined 38 or printer software, according to col. 2, lines 49 and 50 for determining digitizing magnification used when said image file is outputted in such a manner that an image file size is previously defined based upon longitudinal pixel numbers every sort of the original is inscribed in the standard scanning area (see col. 2, line 65 and col. 3, line 1 where the original is disposed along a longitudinal direction of the scanning area. Note the flexibility of an image being rotated to accommodate a horizontal pixel orientations.

With respect to claims 3, 6, 9 and 12 Kimbell teaches computer connected to a printer, according to col. 1, lines 33-34; col. 2, line 48 and col. 4, lines 17-19) for executing a predetermined image processing operation with respect to digital image data so as to output both of the first image data used to produce a photo print and a second image to produce an Image film accordance with the digital image data. Kimbell teaches a printing magnification determining means (inherent according to col. 2, lines 49-52) for determining printing magnification used when said photo print is outputted in such a manner that a printing size is inscribed in a standard scanning area 100 or printing area of the page (col. 2, line 40, said printing size being selected from a

Art Unit: 2626

plurality of printing sizes (in that the image can be cropped, according to col. 2, lines 47-49 or scaled, according to col. 2, lines 39-40). Kimbell teaches a digitizing magnification changing device (computer 20) for changing said digitizing magnification (col. 4, line 3); and wherein in such a case that the image within the area which is printed at said determined printing magnification is displayed on said image display device and also said image of the area is cut out (cropped) in said displayed image by an operator (col. 4, lines 44-46) said printing ration is the same ratio as that magnified by the digitizing means.

With respect to claim 4, Kimbell teaches an image processing apparatus (such as computer connected to a printer, according to col. 1, lines 33-34; col. 2, line 48 and col. 4, lines 17-19) for executing a predetermined image processing operation with respect to digital image data so as to output both of the first image data used to produce a photo print and a second image to produce an Image film accordance with the digital image data. Kimbell teaches a printing magnification determining means (inherent according to col. 2, lines 49-52) for determining printing magnification used when said photo print is outputted in such a manner that a printing size is inscribed in a standard scanning area 100 or printing area of the page (col. 2, line 40, said printing size being selected from a plurality of printing sizes (in that the image can be cropped, according to col. 2, lines 47-49 or scaled, according to col. 2, lines 39-40) ; and a digitizing magnification determining device (computer software according to col. 2, lined 38 or printer software, according to col. 2, lines 49 and 50 for determining digitizing magnification used when

Art Unit: 2626

said image file is outputted in such a manner that an image file size is previously defined based upon longitudinal pixel numbers every sort of the original is inscribed in the standard scanning area (see col. 2, line 65 and col. 3, line 1 where the original is disposed along a longitudinal direction of the scanning area. Note the flexibility of an image being rotated to accommodate a horizontal pixel orientations. Kimbell teaches a digitizing magnification determining device (software of computer according to col. 2, line 38 for determining digitizing magnification used when said image file is outputted in such a manner that an image file based on the long and traverses pixel numbers is circumscribed about the standard scanning area. Note image original 102 is circumscribed about scanning area 100.

With respect to claims 7 and 10, Kimbell teaches an image forming apparatus (printer, scanner and computer interconnected) comprising: an image reading unit col. 4, lines 17 and 18 for reading an image of an original in a photoelectric manner to input the read image as a digital image data; an image processing unit (computer software or printer application for performing scaling, according to col. 2, lines 38-40) for executing a predetermined process with respect to the input digital image data (create of dashed line 108 between image data and scan area); a print outputting unit (col. 4, line 18) for outputting first image data processed by said image processing unit as a photo-print and an image file outputting unit (computer software) for outputting second processed data by the image processing unit as an image data file (data that has been either scaled or cropped or both); wherein both of the photo and image file are outputted; and

Art Unit: 2626

said image processing unit for outputting both (computer software) of the first image file which are the white margins or the dashed areas 104 and the second image file (102) comprising: , Kimbell teaches an image processing apparatus (such as computer connected to a printer, according to col. 1, lines 33-34; col. 2, line 48 and col. 4, lines 17-19) for executing a predetermined image processing operation with respect to digital image data so as to output both of the first image data used to produce a photo print and a second image to produce an Image film accordance with the digital image data. Kimbell teaches a printing magnification determining means (inherent according to col. 2, lines 49-52) for determining printing magnification used when said photo print is outputted in such a manner that a printing size is inscribed in a standard scanning area 100 or printing area of the page (col. 2, line 40, said printing size being selected from a plurality of printing sizes (in that the image can be cropped, according to col. 2, lines 47-49 or scaled, according to col. 2, lines 39-40) ; and a digitizing magnification determining device (computer software according to col. 2, lined 38 or printer software, according to col. 2, lines 49 and 50 for determining digitizing magnification used when said image file is outputted in such a manner that an image file size is previously defined based upon longitudinal pixel numbers every sort of the original is inscribed in the standard scanning area (see col. 2, line 65 and col. 3, line 1 where the original is disposed along a longitudinal direction of the scanning area. Note the flexibility of an image being rotated to accommodate a horizontal pixel orientations.

Art Unit: 2626

3.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 5, 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimbell in view of Johnson.

Kimbell teaches all of the subject matter upon which the claims depend except for the image device and print magnification as claimed.

Johnson teaches an image display device 220, 120 for displaying at least an image within an area to be printed out; and a printing magnification changing device (personal computer 20) for changing said printing magnification (scaling); and wherein printing magnification is displayed (col. 4, lines 30-35, on said image display device and also said image within the area is cut out by an operator according to col. 4, lines 44-46.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 703-305-4391. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

Art Unit: 2626

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams, can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Grant II
JEROME GRANT II
PRIMARY EXAMINER